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| REFAI, RAMSEY | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,536

Applicant(s)

BEIGHTON ET AL.

Examiner

RAMSEY REFAI

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Responsive to claims filed November 14, 2003. Claims 1-28 are presented for examination.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to a network-based portal which appears to be merely software. Software per se is not one of the four statutory classes of invention and therefore the claims are rendered non-statutory subject matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1, 2, 4-7, 10, 17-19, 21-23, and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al (US Patent No. 5,796,952).

5. As per claim 1, Davis et al teach a network-based portal comprising:

an access module allowing one or more users to access one or more of a plurality of applications (column 6, lines 60-66; **allows access to various network resources**); and

an invoicing module operable to maintain a record of usage that a user has made via the access module of at least one of the applications and to generate an invoice amount based at

least in part upon the recorded usage (column 16, line 63–column 17, line 10; bill generated based on resource usage) .

6. As per claims 2 and 19, Davis et al teach wherein the record of usage includes a record of a quantity of page impressions made during use of the at least one application by the user (column 8, lines 18–20, column 11, lines 26–30; number of hits/links accessed).

7. As per claims 4 and 21, Davis et al teach wherein the record of usage includes a record of a quantity of projects accessed during use of the at least one application by the user (column 11, lines 13–33, column 16, line 63–column 17, line 5; record choices made).

8. As per claims 5 and 22, Davis et al teach wherein the record of usage includes a record of a volume of data stored during use of the at least one application by the user (column 16, line 66–column 17, line 5).

9. As per claims 6 and 23, Davis et al teach wherein the record of usage includes a record of a length of time for which the user has accessed the at least one application (column 16, line 66–column 17, line 5).

10. As per claim 7, Davis et al teach wherein the access module is operable to allow the one or more users to access respective ones of the plurality of applications simultaneously (column 16, lines 10–15, column 14, lines 60–61).

11. As per claim 10, Davis et al teach a registration module to register new users of the portal, thereby creating an account for each user or for a group of users (column 5, lines 40–44).

12. As per claims 17–18 and 28, these claims contain similar limitations as claim 1 above, therefore are rejected under the same rationale.

13. As per claim 27, Davis et al teach a network-based portal (column 6, lines 60–66; server).

Claim Rejections – 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 3, 14, 15, 20, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al.

16. As per claims 3 and 20, Davis et al fail teach wherein the record of usage includes a record of a quantity of SMS messages sent during use of the at least one application by the user. However, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to include this feature in Davis et al because doing so would allow for the system to measure usage by users who access the applications using a web enabled mobile phone.

17. As per claims 14 and 24, Davis et al teach that users are billed according to time information is displayed and/or amount of bits transferred (column 16, line 63–column 17, line 10) but fail to teach allowing each user or group of users to select one of a plurality of usage tariffs which will be used to calculate invoice amounts for the user. However it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to include this feature in Davis et al because doing so would allow a user to choose how to be billed for usage.

18. As per claims 15 and 25, Davis et al fail to teach a payment module that is operable to allow each user or group of users to select one of a plurality of payment methods. However, it

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would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to include this feature in Davis et al because doing so would allow a user to select how to pay for billed usage.

19. Claims 8, 9, 11-13, 16, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al in view of " Official Notice" .

20. As per claim 8, Davis et al fail to teach wherein, if a user has accessed one of the plurality of applications and has been inactive for a predetermined period of time, the access module will terminate the access of that user to the application. However, "Official Notice" is taken that the concept and advantage of terminating an application after an inactivity timeout is well known in the art. It would have been obvious to one of ordinary skill in the art to include this feature in Davis et al because doing so would allow for an application to terminate if a timeout period has passed in order to avoid billing the user for inactivity.

21. As per claim 9, Davis et al fail to teach wherein the predetermined period may be set individually for each user or group of users. However, it would have been obvious to include this feature in Davis et al because doing so would allow for different timeout periods to be set depending on the resource access (a user maybe reading an article on a website and therefore more time would be needed) .

22. As per claim 11, Davis et al fail to teach wherein a user may not access any of the applications unless the user has obtained an account through the registration module. However,

23. As per claim 12, Davis et al fail to teach wherein the registration module allows a user to be registered as a group administrator, and allows further users to be registered as part of the group. However, "Official Notice" is taken that the registering of administrators and users for access to applications is well known in the art. It would obvious to one of ordinary skill in the art

to include this feature in Davis et al because doing so would allow for the system to register certain users as administrators to monitor usage of a group.

24. As per claim 13, Davis et al teach wherein the access module allows a group administrator to determine which of the plurality of applications each member of the group may access. However, "Official Notice" is taken that the concept and advantage of determining access privileges of users by an administrator is well known in the art. It would have been obvious to one of ordinary skill in the art to include this feature in Davis et al because doing so would allow for an administrator to designate access privileges to users.

25. As per claims 16 and 26, Davis et al fail to teach wherein each user or group of users may select a first payment method to pay charges relating to initial costs and a second payment method to pay charges relating to recurring costs. However, " Official Notice " is taken that the concept of initial costs and recurring costs are well known in the art. It would have been obvious to one of ordinary skill in the art to include this feature because doing so would allow for a user to pay a prepaid usage charge with a first payment method, such as using a check, and pay for each additional usage charge using an alternate method, such as a credit card.

. Conclusion

The prior art made of record and not relied upon, which is considered pertinent to applicant's disclosure, are cited in the Notice of Reference Cited form (PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMSEY REFAI whose telephone number is (571)272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
December 9, 2007
/R. R./
Examiner, Art Unit 3627

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit
3627